

KNOW YOUR RIGHTS TO MANDATORY REVIEW OF CLASSIFIED DOCUMENTS

A new system for classification and declassification of Government documents related to national security matters was established by President Nixon on March 8, 1972 through Executive Order 11652 (37 FR 5209). The new Executive Order represents the first major overhaul in the classification system in 20 years. For the first time all classified materials are subjected to an automatic declassification schedule, unless exempted from such schedule by an individual properly authorized. Such exemptions apply only to certain sensitive materials within four limited categories. The new Executive Order also establishes for the first time a mandatory review procedure whereby any member of the public or other department of the Federal Government can request declassification of any classified information or material 10 or more years old. This pamphlet is intended to set forth the procedures for requesting such a review of classified materials, the offices to which such requests must be directed, and the rights to which an individual is entitled at each step of the reviewing process.

THE REQUEST

A request for classification review must describe the document with sufficient particularity to enable the department to identify it and obtain it with a reasonable amount of effort.

Each request must be addressed to the appropriate office of the department having custody of the document of which disclosure is sought. (Addresses of such offices are listed on page 5.)

Responsibilities of Department. Whenever a request is deficient in its description of the record sought, the requester should be asked to provide additional identifying information whenever possible. Before denying a request on the ground that it is unduly burdensome, the requester shall be asked to limit his request to records that are reasonably obtainable. If nonetheless the requester does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester shall be notified of the reasons why no action will be taken..

REVIEW WITHIN DEPARTMENT.

Records Ten to Thirty Years Old. An office receiving a request for declassification review is required to assign the request to an appropriate office within its Department for action. In addition, this office or the action office shall immediately acknowledge receipt of the request in writing to the requester.

If the request requires the rendering of services for which fair and equitable fees must be charged pursuant to Title V of the Independent Offices Appropriations Act, 1952, 65.290, 31 U.S.C. 483a, the requester will be so notified. At the present time the average fee is \$3.50 per man hour of work required to locate the requested document or documents.

The action office which has been assigned to review the declassification request shall thereafter make a determination within 30 days of receipt or shall explain the reasons why further time is necessary.

The determination that continued classification is required in the interests of national security may be made only if the classified information falls into one of the following categories:

- (1) Classified information or material furnished by foreign governments or international organizations and held by the United States on the understanding that it be kept in confidence.
- (2) Classified information or material specifically covered by statute, or pertaining to cryptography or disclosing intelligence sources or methods.
- (3) Classified information or material disclosing a system, plan, installation, project or specific foreign relations matter the continuing protection of which is essential to the national security.
- (4) Classified information or material the disclosure of which would place a person in immediate jeopardy.

Should the action office determine that continued classification is required under the criteria set forth above, the requester shall promptly be notified, and whenever possible, provided with a brief

statement as to why the requested information or material cannot be declassified.

The notice of determination shall also advise the requester of his right to appeal to the Departmental Committee required to be established under the new Executive Order.

Records More than Thirty Years Old. A request by a member of the public or by a department for a declassification review of documents more than 30 years old shall be referred directly to the Archivist of the United States. If the information or material requested has not been transferred to the General Services Administration for accession into the Archives, the Archivist shall, together with the department having custody, have the requested documents reviewed for declassification.

Classification shall be continued in either case only where the head of the department concerned makes a personal determination at that time that continued protection is essential to the national security or that disclosure would place a person in immediate jeopardy.

Should the department head determine that continued classification is required, the requester shall promptly be notified, and whenever possible, provided with a brief statement as to why the requested information or material cannot be declassified.

A notice of determination shall advise the requester of his right to appeal such adverse determination to the Departmental Committee required to be established under the new Executive Order.

DEPARTMENTAL COMMITTEE REVIEW.

A requester is entitled to appeal to the Departmental Committee when the action office has either rendered an adverse decision on a request for declassification or failed to make any determination within 60 days of receipt of the request.

The Departmental Committee established within each department to review requests for declassification shall act within 30 days upon all applications and appeals regarding requests for declassification. If action is not completed in 30 days, the requester may apply to the Interagency Classification Review Committee for appropriate relief.

If the Departmental Committee determines that continued classification is required under the criteria of the new Executive Order, it shall promptly so notify the requester and advise him that he may appeal the denial to the Interagency Classification Review Committee.

BURDEN OF PROOF FOR ADMINISTRATIVE DETERMINATIONS.

For purposes of administrative determinations with respect to any request for declassification review, the burden of proof is on the originating department to show that continued classification is warranted within the terms of the new Executive Order.

INTERAGENCY CLASSIFICATION REVIEW COMMITTEE.

An Interagency Classification Review Committee is established to assist the National Security Council in monitoring implementation of the new Executive Order. Its membership is comprised of a chairman designated by the President, the Archivist of the United States and a senior representative of the Departments of State, Defense, and Justice, the Atomic Energy Commission, the Central Intelligence Agency and the National Security Council staff.

The Interagency Committee, which meets regularly on a monthly basis, is charged to consider and take action on complaints or appeals from persons within or without the Government with respect to the general administration of the new Order and denials of requests for declassification of classified information or material more than 10 years old.

Complaints or appeals may be addressed to the Interagency Classification Review Committee, Executive Office Building, Washington, D.C. 20506.

AVAILABILITY OF DECLASSIFIED MATERIAL.

Upon a determination by the Interagency Committee that the requested material no longer warrants classification, it shall be declassified and made promptly available to the requester, if not otherwise exempt from disclosure under Section 552 (b) of Title 5 U.S.C. (Freedom of Information Act) or other provision of the law.

ADDRESS OF OFFICES TO WHICH REQUESTS MUST BE MADE.

Defense	Chief, Records Management Branch Office of the Asst. Secretary of Defense (Comptroller) Room 3B925 The Pentagon Washington, D. C. 20301
State	Chief, Record Systems Division State Department Washington, D. C. 20520
CIA	The Assistant to the Director Central Intelligence Agency Washington, D. C. 20505
Justice	Office of the Deputy Attorney General Department of Justice Washington, D. C. 20530
AEC	The Division of Classification U. S. Atomic Energy Commission Washington, D. C. 20545
NSC	Staff Secretary National Security Council Executive Office Building Washington, D. C. 20506
ACDA	Chief, Communication and Reference Service Center U. S. Arms Control & Disarmament Agency State Department Washington, D. C. 20451
AID	Director, Office of Public Affairs Agency for International Development Washington, D. C. 20523
USIA	Assistant Director Office of Public Information U. S. Information Agency Washington, D. C. 20547
Treasury	Assistant Secretary for Administration Department of the Treasury

CAB	Chairman, Intra-Agency Committee Civil Aeronautics Board Washington, D.C. 20428
Export-Import Bank	Executive Vice President Export-Import Bank of the United States 811 Vermont Avenue, NW Washington, D.C. 20571
GSA	General Services Administration GSA Security Officer Washington, D.C. 20405
CSC	Security Officer United States Civil Service Commission Washington, D.C. 20415
EPA	Director, Security and Inspection Division Environmental Protection Agency Washington, D.C. 20460
DOT	Director of Investigations and Security TAD-50 Office of the Secretary of Transportation 400 7th Street, S.W. Washington, D.C. 20590
FCC	Executive Director Federal Communications Commission 1919 M Street, N.W. Washington, D.C. 20554
FMC	Office of the Secretary Federal Maritime Commission Washington, D.C. 20573
FPC	Office of The Secretary Federal Power Commission Washington, D.C. 20426
Canal Zone	Office of the Executive Secretary of the Canal Zone Post Office Box M Balboa Heights, Canal Zone

Agriculture	Department Security Officer Office of Personnel Administration Building U.S. Department of Agriculture Washington, D.C. 20250
NSF	Security Officer (Information) National Science Foundation 1800 G Street, N.W. Washington, D.C. 20550
ICC	Office of the Secretary Interstate Commerce Commission Washington, D.C. 20423
Commerce	Director Office of Investigations and Security Room 5044 Main Commerce Building 14th Street, N.W. Washington, D.C. 20230
OMB	Office Review Committee Office of Management and Budget Washington, D.C. 20503
ACTION	General Counsel ACTION Washington, D.C. 20525
NASA	NASA Security Classification Officer Code DHZ Washington, D.C. 20546
Labor	Office of the Assistant Secretary for Administration and Management Department of Labor Washington, D.C. 20210
Interior	Chief, Division of Records and Protective Services Office of Management Operations U.S. Department of the Interior Washington, D.C. 20240

HEW

Department of Health, Education & Welfare
Office of Internal Security
330 Independence Avenue, S.W.
Washington, D. C. 20201